

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 312 be amended to read as follows:

- 1 Page 1, line 10, delete "after December" and insert ",".
- 2 Page 1, line 11, delete "31, 2010,".
- 3 Page 3, line 7, delete "(for elections before 2010)." and insert ".".
- 4 Page 3, line 8, delete "(as provided in" and insert ", **in the case of**
- 5 **a county subject to**".
- 6 Page 3, line 9, delete "for elections in 2010 and thereafter)." and
- 7 insert ".".
- 8 Page 4, line 24, delete "(for elections before 2010)." and insert ".".
- 9 Page 4, line 25, delete "(as provided in IC 36-2-2.5" and insert ", **in**
- 10 **the case of a county subject to IC 36-2-2.5**".
- 11 Page 4, delete line 26.
- 12 Page 5, line 28, delete "(for elections before 2010)." and insert ".".
- 13 Page 5, line 29, delete "(as provided in" and insert ", **in the case of**
- 14 **a county subject to**".
- 15 Page 5, line 30, delete "for elections in 2010 and thereafter)." and
- 16 insert ".".
- 17 Page 6, line 16, delete "after December 31, 2010," and insert "**in the**
- 18 **case of a county subject to IC 36-2-2.5**".
- 19 Page 6, line 22, delete "before January 1, 2011,".
- 20 Page 6, line 24, delete "(before".
- 21 Page 6, line 25, delete "January 1, 2011)".
- 22 Page 6, line 25, delete "(after December 31, 2010);" and insert ";".
- 23 Page 6, delete lines 35 through 42.
- 24 Page 7, delete lines 1 through 17, begin a new paragraph and insert:
- 25 "SECTION 7. IC 36-2-2-1 IS AMENDED TO READ AS
- 26 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. This chapter applies
- 27 to all counties ~~not~~ **except the following**:
- 28 (1) **A county** having a consolidated city.
- 29 (2) **A county subject to IC 36-2-2.5**.
- 30 SECTION 8. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE
- 31 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2008]:

Chapter 2.4. Local Public Question on County Government

Sec. 1. (a) This chapter does not apply to a county having a consolidated city.

(b) This subsection applies to a county that is not subject to IC 36-2-3.5. The county election board in a county shall place the following question on the ballot in the county at the 2010 general election:

"Shall _____ (insert the name of the county)

County adopt Indiana law so that:

(1) the county executive consists of one (1) person elected by the voters of the county instead of three (3) persons elected by the voters of the county;

(2) the county council consists of nine (9) persons, of whom four (4) persons are elected by voters who reside in a district, five (5) members elected by voters of the county, instead of seven (7) persons, four (4) of whom are elected by voters who reside in a district, three (3) of whom are elected by voters of the county?; and

(3) the county council serves as the county legislative body and the county fiscal body?."

(c) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The county election board in a county shall place the following question on the ballot in the county at the 2010 general election:

"Shall _____ (insert the name of the county)

County adopt Indiana law so that:

(1) the county executive consists of one (1) person elected by the voters of the county instead of three (3) persons elected by the voters of the county; and

(2) the county council consists of nine (9) persons, of whom four (4) persons are elected by voters who reside in a district, five (5) members elected by voters of the county, instead of nine (9) persons, nine (9) of whom are elected by voters who reside in a district?."

(d) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county election board in a county shall place the following question on the ballot in the county at the 2010 general election:

"Shall _____ (insert the name of the county) County adopt Indiana law so that:

(1) the county executive consists of one (1) person elected by the voters of the county instead of three (3) persons elected by the voters of the county; and

(2) the county council consists of nine (9) persons, of whom four (4) persons are elected by voters who reside in a district,

1 five (5) members elected by voters of the county, instead of
2 seven (7) persons, seven (7) of whom are elected by voters who
3 reside in a district?".

4 (e) A public question under this section must be certified in
5 accordance with IC 3-10-9-3 and shall be placed on the ballot in
6 accordance with IC 3-10-9.

7 (f) The circuit court clerk of a county holding an election under
8 this section shall certify the results determined under IC 3-12-4-9
9 to each of the following:

10 (1) The secretary of state.

11 (2) The state board of accounts.

12 (3) The department of local government finance.

13 Sec. 2. If the voters of a county approve a public question under
14 section 1 of this chapter, the following apply:

15 (1) The county executive consists of one (1) individual.

16 (2) IC 36-2-2.5 applies in the county instead of IC 36-2-2.

17 (3) The county may not subsequently be governed by
18 IC 36-2-2.

19 (4) The county executive shall be elected at the 2012 general
20 election.

21 (5) The term of office of each member of the county executive
22 elected under IC 36-2-2 expires at the end of the day on
23 December 31, 2012.

24 (6) The county council consists of nine (9) members, four of
25 whom are elected from single member districts, five (5) of
26 whom are elected at-large.

27 (7) The county is subject to IC 36-2-3.7.

28 (8) This subdivision applies only to a county described in
29 section 1(c) or 1(d) of this chapter. The term of office of each
30 member of the county council expires at the end of the day on
31 December 31, 2012. The nine (9) members of the county
32 council shall be elected at the 2012 general election. The initial
33 terms of the members shall be as follows:

34 (A) Two (2) members elected from single-member districts
35 and two (2) members elected at-large shall serve two (2)
36 year terms beginning January 1, 2013, and expiring at the
37 end of the day on December 31, 2014. The successors of the
38 members shall be elected at the 2014 general election and
39 shall serve four (4) year terms.

40 (B) Two (2) members elected from single-member districts
41 and three (3) members elected at-large shall serve four (4)
42 year terms beginning January 1, 2013, and expiring at the
43 end of the day on December 31, 2016. The successors of the
44 members shall be elected at the 2016 general election and
45 shall serve four (4) year terms.

46 (9) This subdivision applies only to a county described in
47 section 1(b) of this chapter. The eighth and ninth members of
48 the council shall be elected at the 2012 general election for

four (4) year terms.

Sec. 3. (a) If the voters of a county disapprove a public question, the voters of the county may file a written petition with the circuit court clerk of the county requesting that a local public question applicable to the county under section 1 of this chapter, be placed on the ballot for the next general election. The petition must:

- (1) be signed by at least five percent (5%) of the voters of the county, as determined by the vote cast in the county for secretary of state at the most recent general election;
- (2) state the public question that applies to the county under section 1 of this chapter; and
- (3) be substantially in the form prescribed by the department of local government finance.

The circuit court clerk shall certify the petition to the county council of the county.

(b) If the requirements in subsection (a) are satisfied, the county election board shall place the local public question on the ballot in the county during the next general election.

(c) If the voters of the county approve the public question, the following apply:

- (1) The county executive consists of one (1) individual.
- (2) IC 36-2-2.5 applies in the county instead of IC 36-2-2.
- (3) The county may not subsequently be governed by IC 36-2-2.
- (4) The county executive shall be elected at the next general election.
- (5) The term of office of each member of the county executive elected under IC 36-2-2 expires at the end of the day on December 31 following the next general election.
- (6) The county council consists of nine (9) members, four of whom are elected from single member districts, five (5) of whom are elected at-large.
- (7) The county is subject to IC 36-2-3.7.
- (8) This subdivision applies only to a county described in section 1(c) or 1(d) of this chapter. The term of office of each member of the county council expires at the end of the day on December 31 following the next general election. The nine (9) members of the county council shall be elected at the next general election. The initial terms of the members shall be as follows:

(A) Two (2) members elected from single member districts and two (2) members elected at-large shall serve two (2) year terms beginning the January 1 following the next general election and expiring at the end of the day on December 31. The successors of the members shall be elected at a general election and shall serve four (4) year terms.

(B) Two (2) members elected from single-member districts

and three (3) members elected at-large shall serve four (4) year terms beginning the January 1 following the next general election and expiring at the end of the day on December 31. The successors of the members shall be elected at a general election and shall serve four (4) year terms.

(9) This subdivision applies only to a county described in section 1(b) of this chapter. The eighth and ninth members of the council shall be elected at the next general election for four (4) year terms."

Page 7, delete lines 22 through 24, begin a new paragraph and insert:

"Sec. 1. (a) This chapter applies to a county if the voters of the county approve a public question under IC 36-2-2.4.

(b) This chapter does not apply to a county having a consolidated city."

Page 7, line 26, delete "in 2010 and".

Page 7, line 27, delete "thereafter." and insert ".".

Page 7, delete lines 28 through 36.

Page 7, line 37, delete "4." and insert "3."

Page 7, line 42, delete "After December 31, 2010, any" and insert "Any".

Page 8, line 4, after "county" insert "governed by this chapter,".

Page 8, line 6, delete "After December 31, 2010, any" and insert "Any".

Page 8, line 13, delete "5." and insert "4."

Page 9, line 11, delete "6." and insert "5."

Page 9, line 20, delete "7." and insert "6."

Page 9, line 23, delete "8." and insert "7."

Page 10, delete lines 5 through 42, begin a new paragraph and insert:

"SECTION 12. IC 36-2-3-4, AS AMENDED BY P.L.230-2005, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) This subsection does not apply to a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

This subsection does not apply to a county that approves a public question under IC 36-2-2.4. The county executive shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the fiscal body shall be elected by the voters of the whole county.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) **that does not approve a public question under IC 36-2-2.4.** The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection (d). One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of these seven (7) single-member districts.

(c) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) **that does not approve a public question under IC 36-2-2.4.** The ~~fiscal body~~ **county council** shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of these nine (9) single-member districts.

(d) Single-member districts established under subsection (a), (b), or (c) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) not cross precinct boundary lines;
- (3) contain, as nearly as possible, equal population; and
- (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(e) A division under subsection (a), (b), or (c) shall be made:

- (1) during the first year after a year in which a federal decennial census is conducted; and
- (2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

SECTION 13. IC 36-2-3-4.6 IS ADDED TO THE INDIANA CODE AS **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4.6. (a) If a local public question is approved by the voters of a county under IC 36-2-2.4:**

- (1) **this section applies to the county; and**
- (2) **section 4 of this chapter does not apply to the county.**

(b) The county shall be divided into four (4) single-member districts that comply with subsection (c) by the following:

- (1) **The county council. If necessary, the county auditor shall call a special meeting of the county council to establish or revise districts.**
- (2) **The county redistricting commission established under IC 36-2-2-4 in the case of a county having a population of more than four hundred thousand (400,000) but less than**

seven hundred thousand (700,000).

One (1) member of the county council shall be elected by the voters of each of the four (4) districts. Five (5) at-large members of the county council shall be elected by the voters of the whole county.

(c) Single-member districts established under subsection (b) must:

(1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);

(2) not cross precinct boundary lines;

(3) contain, as nearly as possible, equal population; and

(4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(d) A division under subsection (b) shall be made:

(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(e) A division under subsection (b) may be made in any odd-numbered year not described in subsection (d)."

Page 11, delete lines 1 through 8.

Page 13, delete lines 22 through 24, begin a new paragraph and insert:

"SECTION 21. IC 36-2-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to:

(1) a county having a population of:

(A) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000); and

(2) any other county not having a consolidated city, if both the county executive and the county fiscal body adopt identical ordinances providing for the county to be governed by this chapter beginning on a specified effective date.

(b) This chapter does not apply to a county subject to IC 36-2-2.5."

Page 13, delete lines 29 through 30, begin a new paragraph and insert:

"Sec. 1. (a) This chapter applies to a county if the voters of the county approve a public question under IC 36-2-2.4.

(b) This chapter does not apply to a county having a consolidated city."

Page 14, line 34, delete "(before January 1, 2011)".

Page 14, line 34, delete "(after)".

Page 14, line 35, delete "December 31, 2010)".

Page 14, line 42, delete "(before January 1, 2011)".

- 1 Page 14, line 42, delete "(after".
- 2 Page 15, line 1, delete "December 31, 2010)".
- 3 Page 15, line 9, delete "(before January 1, 2011)".
- 4 Page 15, line 10, delete "(after December 31, 2010)".
- 5 Page 15, line 38, delete "(before January 1, 2011)".
- 6 Page 15, line 39, delete "(before".
- 7 Page 15, line 40, delete "January 1, 2011)".
- 8 Page 15, line 40, delete "(after December 31, 2010)." and insert ".".
- 9 Page 16, delete lines 12 through 40.
- 10 Renumber all SECTIONS consecutively.
(Reference is to SB 312 as printed January 25, 2008.)

Senator BOOTS